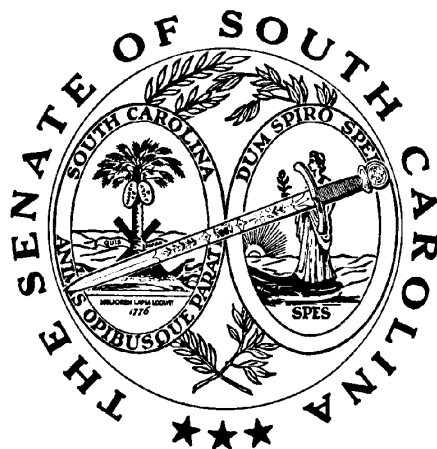


NO. 23

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 13, 2009

THURSDAY, FEBRUARY 26, 2009

Thursday, February 26, 2009
(Statewide Session)

~~Indicates Matter Stricken~~
Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

Joshua said to the people:

“Now therefore revere the Lord and serve him in sincerity and in faithfulness” (Joshua 24:14)

Let us join our hearts as we bow in prayer, friends:

Gracious Lord, all of us are bombarded by so many competing value-systems: some that are most worthy, as well as ones that strive to lead us down pathways that go nowhere. Steel each and every one of us, dear God, to honor You dutifully, with hearts that are sincere and faithfulness that is vividly apparent. May each of these Senators be known as Your servants in everything that they say and do. Moreover, keep safe our women and men in uniform serving around the globe. Continue to bless our State of South Carolina and this Nation we love. And use us all to Your glory. In Your loving name we pray.
Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

MESSAGE FROM THE GOVERNOR

The following appointments were transmitted by the Honorable Mark C. Sanford:

Local Appointments

Reappointment, Clarendon County Magistrate, with the term to commence April 30, 2006, and to expire April 30, 2010

Robert James Aycock, III, 301 North Meadow Dr., Manning, SC 29102

Reappointment, Clarendon County Magistrate, with the term to commence April 30, 2006, and to expire April 30, 2010

John B. Bassard, P. O. Box 1324, Manning, SC 29102

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Reappointment, Clarendon County Magistrate, with the term to commence April 30, 2006, and to expire April 30, 2010

Central District:

William T. Geddings, Sr., 2182 Greeleyville Highway, Manning, SC 29102

Reappointment, Clarendon County Magistrate, with the term to commence April 30, 2006, and to expire April 30, 2010

Percy B. Harvin, Jr., P. O. Box 386, Summerton, SC 29148

Reappointment, Clarendon County Magistrate, with the term to commence April 30, 2006, and to expire April 30, 2010

Phillip Shayne Stephens, Stephens Funeral Home and Crematory, 1401 Country Club Circle, Manning, SC 29102

Doctor of the Day

Senator LEATHERMAN introduced Dr. Coleman Floyd Buckhouse of Florence, S.C., Doctor of the Day.

Leave of Absence

At 11:15 A.M., Senator WILLIAMS requested a leave of absence beginning at 12:00 Noon and lasting until 4:00 P.M.

CO-SPONSORS ADDED

The following co-sponsors were added to the respective Bills:

S. 424 Sen. Ryberg

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 488 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO CHARTER SCHOOL APPEALS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4028, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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Read the first time and ordered placed on the Calendar without reference.

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S. 489 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO ASSESSMENT PROGRAM, DESIGNATED AS REGULATION DOCUMENT NUMBER 4029, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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Read the first time and ordered placed on the Calendar without reference.

S. 490 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO PROGRAM FOR ASSISTING, DEVELOPING, AND EVALUATING PRINCIPAL PERFORMANCE (PADEPP), DESIGNATED AS REGULATION DOCUMENT NUMBER 4027, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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Read the first time and ordered placed on the Calendar without reference.

S. 491 -- Senator Hayes: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 18 TO CHAPTER 23, TITLE 57 SO AS TO DESIGNATE CERTAIN HIGHWAYS IN WESTERN YORK COUNTY AS THE WESTERN YORK COUNTY SCENIC BYWAY, TO MAKE IT SUBJECT TO THE REGULATIONS OF THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION AND THE SOUTH CAROLINA SCENIC HIGHWAYS COMMITTEE, AND TO PROHIBIT OFF-PREMISES OUTDOOR ADVERTISING ON THE ROUTES COMPRISING THE WESTERN YORK COUNTY SCENIC BYWAY.

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Read the first time and referred to the Committee on Transportation.

S. 492 -- Senators Setzler, Knotts, Courson and Cromer: A CONCURRENT RESOLUTION TO COMMEND PROVIDENCE HOSPITALS AND LEXINGTON MEDICAL CENTER FOR COLLABORATIVELY WORKING TO IMPROVE MEDICAL CARE FOR THE CITIZENS OF THE MIDLANDS OF SOUTH CAROLINA.

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The Concurrent Resolution was adopted, ordered sent to the House.

S. 493 -- Senators Bright and S. Martin: A SENATE RESOLUTION TO RECOGNIZE AND COMMEND THE LANDRUM HIGH SCHOOL "LADY CARDINALS" VOLLEYBALL TEAM FOR ITS OUTSTANDING SEASON AND FOR CAPTURING THE 2008 CLASS A STATE CHAMPIONSHIP, AND TO HONOR THE TEAM'S EXCEPTIONAL PLAYERS, COACH, AND STAFF.

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The Senate Resolution was adopted.

S. 494 -- Senators Cromer, Grooms, Sheheen, Hutto, McGill, Land and Rankin: A BILL TO AMEND CHAPTER 23, TITLE 48 OF THE 1976 CODE, RELATING GENERALLY TO FORESTRY, BY ADDING SECTION 48-23-300 TO PLACE LIMITS ON ANY COUNTY OR MUNICIPAL ORDINANCE, RULE, REGULATION, OR RESOLUTION CONCERNING FORESTRY ACTIVITIES.

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Read the first time and referred to the Committee on Fish, Game and Forestry.

REPORTS OF STANDING COMMITTEES

Senator COURSON from the Committee on Education submitted a favorable with amendment report on:

S. 16 -- Senators Lourie and Elliott: A BILL TO AMEND SECTION 59-39-100 OF THE 1976 CODE, RELATING TO THE ISSUANCE OF UNIFORM DIPLOMAS, TO REQUIRE THE ISSUANCE OF HIGH SCHOOL DIPLOMAS FOR QUALIFYING VETERANS WHO SERVED IN THE UNITED STATES ARMED FORCES DURING A WAR PERIOD AS DEFINED BY THE UNITED STATES DEPARTMENT OF VETERAN AFFAIRS.

Ordered for consideration tomorrow.

Senator COURSON from the Committee on Education submitted a favorable with amendment report on:

S. 19 -- Senator Fair: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-116-45 SO AS TO PROVIDE THAT EVERY POLICE/SECURITY DEPARTMENT SHALL IMPLEMENT POLICIES AND PROCEDURES TO GOVERN THEIR OPERATIONS; TO AMEND

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SECTIONS 59-116-10, 59-116-20, 59-116-30, 59-116-50, 59-116-60, 59-116-80, 59-116-100, AND 59-116-120, RELATING TO THE ESTABLISHMENT, POWERS, AND OPERATION OF CAMPUS SECURITY DEPARTMENTS, SO AS TO REVISE THE DEFINITION OF THE TERMS "CAMPUS" AND "CAMPUS POLICE OFFICER", AND TO DEFINE THE TERM "CAMPUS SECURITY OFFICER", TO MAKE TECHNICAL CHANGES, TO REVISE THE JURISDICTIONAL BOUNDARY OF A CONSTABLE AND SECURITY OFFICER, AND TO REVISE THE MARKINGS THAT MAY APPEAR ON A CAMPUS POLICE OFFICER'S VEHICLE AND TO PROVIDE FOR THE USE OF CAMPUS UNMARKED VEHICLES; AND TO REPEAL SECTION 59-116-70, RELATING TO THE POSTING OF A BOND BY A CAMPUS POLICE OFFICER BEFORE THE ASSUMPTION OF THEIR DUTIES.

Ordered for consideration tomorrow.

Senator COURSON from the Committee on Education submitted a favorable report on:

S. 97 -- Senators Leventis, Land and Malloy: A BILL TO AMEND SECTION 59-53-1410 OF THE 1976 CODE, RELATING TO THE CENTRAL CAROLINA TECHNICAL COLLEGE COMMISSION, TO PROVIDE AN ADDITIONAL MEMBER FROM CLARENDON COUNTY AND AN ADDITIONAL MEMBER FROM KERSHAW COUNTY.

Ordered for consideration tomorrow.

Senator COURSON from the Committee on Education submitted a favorable report on:

S. 110 -- Senator Malloy: A BILL TO AMEND SECTION 59-150-210, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE EDUCATION LOTTERY ACT, TO PERMIT THE SALE OF LOTTERY TICKETS ON GENERAL OR PRIMARY ELECTION DAYS.

Ordered for consideration tomorrow.

Senator COURSON from the Committee on Education submitted a favorable report on:

S. 319 -- Senators Leventis, Rose and Malloy: A BILL TO AMEND TITLE 59, CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 46 SO AS TO ENACT THE "INTERSTATE

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COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN”, TO PROVIDE THAT THE GOVERNOR MAY EXECUTE THE COMPACT WITH OTHER COMPACT STATES, TO PROVIDE THAT THE STATE SUPERINTENDENT OF EDUCATION IS THE COMPACT COMMISSIONER OF THIS STATE, TO ESTABLISH A COUNCIL ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN, TO PROVIDE FOR THE COUNCIL’S MEMBERSHIP, APPOINTMENTS, TERMS, QUORUM, LEADERSHIP, FILLING OF VACANCIES, AND POWERS AND DUTIES, AND TO PROVIDE THE TERMS OF THE COMPACT.

Ordered for consideration tomorrow.

HOUSE CONCURRENCE

S. 428 -- Senators L. Martin, Verdin, Bright, Alexander, Bryant and Rose: A CONCURRENT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO MAKE PERMANENT THE E-VERIFY PROGRAM.

Returned with concurrence.

Received as information.

THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.

ORDERED ENROLLED FOR RATIFICATION

The following Bill was read the third time and, having received three readings in both Houses, it was ordered that the title be changed to that of an Act and enrolled for Ratification:

H. 3556 -- Reps. Loftis, Bedingfield, Nanney, Dillard, Cato, Allen, G.R. Smith, Hamilton, Rice, Stringer, Willis and Wylie: A BILL TO CHANGE THE NAME OF THE WESTERN CAROLINA REGIONAL SEWER AUTHORITY TO RENEWABLE WATER RESOURCES.

THIRD READING BILLS

The following Bills and Joint Resolutions were read the third time and ordered sent to the House of Representatives:

S. 191 -- Senators McConnell, Malloy, Campsen, Sheheen, Ford, Rose, Campbell and Knotts: A BILL TO ENACT THE SOUTH

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CAROLINA REDUCTION OF RECIDIVISM ACT OF 2009, SO AS TO PROVIDE LAW ENFORCEMENT OFFICERS WITH THE STATUTORY AUTHORITY TO REDUCE RECIDIVISM RATES, APPREHEND CRIMINALS AND PROTECT POTENTIAL VICTIMS FROM CRIMINAL ENTERPRISES BY AUTHORIZING WARRANTLESS SEARCHES AND SEIZURES OF PROBATIONERS AND PAROLEES; TO AMEND SECTION 20-7-8305, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE BOARD OF JUVENILE PAROLE, SO AS TO PROVIDE THAT BEFORE A JUVENILE MAY BE CONDITIONALLY RELEASED, THE JUVENILE MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; TO AMEND SECTION 20-7-8320, RELATING TO CONDITIONAL RELEASE, SO AS TO PROVIDE THAT THE JUVENILE MUST BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; TO AMEND SECTION 24-19-110, RELATING TO THE PROCEDURE FOR CONDITIONAL RELEASE OF YOUTHFUL OFFENDERS, SO AS TO PROVIDE THAT BEFORE A YOUTHFUL OFFENDER MAY BE CONDITIONALLY RELEASED, THE YOUTHFUL OFFENDER MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; TO AMEND SECTION 24-13-710, RELATING TO THE GUIDELINES, ELIGIBILITY CRITERIA, AND IMPLEMENTATION OF A SUPERVISED FURLOUGH PROGRAM, SO AS TO PROVIDE THAT BEFORE AN INMATE MAY BE RELEASED ON SUPERVISED FURLOUGH, THE INMATE MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; TO AMEND SECTION 24-13-720, RELATING TO INMATES WHO MAY BE PLACED WITHIN CERTAIN PROGRAMS, SO AS TO PROVIDE THAT BEFORE AN INMATE MAY BE RELEASED ON SUPERVISED FURLOUGH, THE INMATE MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; TO AMEND SECTION 24-13-1330, RELATING TO A COURT INMATE'S AGREEMENT TO TERMS AND CONDITIONS, SO AS TO PROVIDE THAT BEFORE AN INMATE MAY BE RELEASED ON PAROLE, THE INMATE MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH

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OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; TO AMEND SECTION 24-21-410, RELATING TO THE COURT BEING AUTHORIZED TO SUSPEND IMPOSITION OF SENTENCE FOR PROBATION AFTER CONVICTION, SO AS TO PROVIDE THAT BEFORE A DEFENDANT MAY BE PLACED ON PROBATION, THE DEFENDANT MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT BASED ON REASONABLE SUSPICIONS; TO AMEND SECTION 24-21-430, RELATING TO THE CONDITIONS OF PROBATION, SO AS TO PROVIDE THAT THE CONDITIONS IMPOSED MUST INCLUDE THE REQUIREMENT THAT THE PROBATIONER MUST PERMIT SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT BASED ON REASONABLE SUSPICIONS; TO AMEND SECTION 24-21-560, RELATING TO COMMUNITY SUPERVISION PROGRAMS, SO AS TO PROVIDE THAT THE CONDITIONS OF PARTICIPATION MUST INCLUDE THE REQUIREMENT THAT THE OFFENDER MUST PERMIT SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT BASED ON REASONABLE SUSPICIONS; TO AMEND SECTION 24-21-640, RELATING TO THE CIRCUMSTANCES WARRANTING PAROLE, SO AS TO PROVIDE THAT BEFORE AN INMATE MAY BE RELEASED ON PAROLE, THE INMATE MUST AGREE TO SEARCH AND SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; AND TO AMEND SECTION 24-21-645, RELATING TO THE ORDER AUTHORIZING PAROLE, SO AS TO PROVIDE THAT THE CONDITIONS OF PAROLE MUST INCLUDE THE REQUIREMENT THAT THE PAROLEE MUST PERMIT SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE.

Senator KNOTTS spoke on the Bill.

S. 132 -- Senators Sheheen and Ford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 39-5-175 SO AS TO PROVIDE THAT A LENDER WHO DELIVERS AN UNSOLICITED CHECK TO A PERSON MUST DISCLOSE THAT THE CHECK SECURES A LOAN, THE TERMS OF THE LOAN, AND NOTICE THAT BY NEGOTIATING THE CHECK THE RECIPIENT HAS ENTERED INTO A LOAN AGREEMENT, TO PROVIDE PROTECTION AND RECOURSE FOR INTENDED PAYEES IF AN UNSOLICITED CHECK IS

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CASHED FRAUDULENTLY, AND TO PROVIDE THAT A VIOLATION OF THIS SECTION IS AN UNFAIR TRADE PRACTICE AND SUBJECT TO APPROPRIATE PENALTIES AND ENFORCEMENT.

S. 245 -- Senators McConnell and Ford: A BILL TO AMEND SECTION 63-3-530 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, AS ADDED BY ACT 361 OF 2008, RELATING TO CHILD SUPPORT PAYMENTS, TO PERMIT A FAMILY COURT JUDGE TO MAKE AN ORDER FOR CHILD SUPPORT RUN PAST THE AGE OF EIGHTEEN IF THE CHILD IS ENROLLED AND STILL ATTENDING HIGH SCHOOL, NOT TO EXCEED HIGH SCHOOL GRADUATION OR THE END OF THE SCHOOL YEAR AFTER THE CHILD REACHES NINETEEN YEARS OF AGE, WHICHEVER OCCURS FIRST.

S. 317 -- Senator Fair: A JOINT RESOLUTION TO SUSPEND THE PROVISIONS CONTAINED IN ACT 295 OF 2008, RELATING TO DENTAL TECHNOLOGICAL WORK, UNTIL JANUARY 1, 2010.

S. 462 -- Medical Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BOARD OF CHIROPRACTIC EXAMINERS, RELATING TO APPLICATION, RENEWAL, AND CONTINUING EDUCATION, DESIGNATED AS REGULATION DOCUMENT NUMBER 3206, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

AMENDED, READ THE THIRD TIME

S. 442 -- Senators Ryberg and Massey: A BILL TO AMEND ACT 503 OF 1982, AS AMENDED, RELATING TO THE AIKEN COUNTY SCHOOL DISTRICT AND THE AIKEN COUNTY BOARD OF EDUCATION, SO AS TO REVISE THE BOARD'S AUTHORITY WITH REGARD TO ADMINISTRATIVE AREA OFFICES AND AREA ADVISORY COUNCILS.

The Senate proceeded to a consideration of the Bill, the question being the third reading of the Bill.

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Senator RYBERG proposed the following amendment (442R001.WGR), which was adopted:

Amend the bill as and if amended, SECTION 1, Page 1, by deleting Section 14, lines 24 through 42.

Renumber sections to conform.

Amend title to conform.

The amendment was adopted.

There being no further amendments, the Bill was read the third time, passed and ordered sent to the House of Representatives with amendments.

AMENDED, READ THE THIRD TIME

S. 473 -- Senator Leventis: A BILL TO AMEND ACT 387 OF 2008, RELATING TO THE SUMTER COUNTY CONSOLIDATED SCHOOL DISTRICT, SO AS TO PROVIDE THAT A MEMBER OF THE SUMTER CONSOLIDATION TRANSITION COMMITTEE WHO HAS BEEN DISMISSED, SUSPENDED FROM HIS POSITION, OR DEMOTED, OR RECEIVES ANY DIRECT OR INDIRECT THREATS IN CONNECTION WITH HIS DECISIONS OR ACTIONS ON BEHALF OF THE COMMITTEE MAY INSTITUTE A NONJURY CIVIL ACTION AGAINST SUMTER SCHOOL DISTRICT 2 OR SUMTER SCHOOL DISTRICT 17 OR THEIR SUCCESSORS FOR CERTAIN DAMAGES.

The Senate proceeded to a consideration of the Bill, the question being the third reading of the Bill.

Senator LEVENTIS proposed the following amendment (MS\7246AHB09), which was adopted:

Amend the bill as and if amended, by striking all after the enacting clause and inserting:

/ SECTION 1. Section 8 of Act 387 of 2008 is amended by adding an appropriately designated subsection at the end to read:

“() If a member of the Sumter Consolidation Transition Committee is dismissed, suspended from his position, demoted or forced to accept a change in the terms and conditions of his current employment, or if he receives any threats, direct or indirect, in connection with his decisions or actions on behalf of the committee, the member may institute a nonjury civil action against Sumter School District 2 or Sumter School District 17 or their successors for:

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- (1) reinstatement to his former position;
- (2) lost wages from positions of employment other than his service as a member of the Sumter Consolidation Transition Committee;
- (3) actual damages;
- (4) treble damages;
- (5) reasonable attorney fees as determined by the court; and
- (6) injunctive relief from a change in the terms and conditions of his employment.

This cause of action exists for any such retaliatory action that takes place during a member's employment or term of service with Sumter School District 2 or 17. The action must be brought in the court of common pleas of Sumter County."

SECTION 2. This act takes effect upon approval by the Governor and applies to any action taken during a member's term of service on the committee. /

Renumber sections to conform.

Amend title to conform.

The amendment was adopted.

There being no further amendments, the Bill was read the third time, passed and ordered sent to the House of Representatives with amendments.

SECOND READING BILL

The following Bill, having been read the second time, was ordered placed on the Third Reading Calendar:

H. 3575 -- Reps. Hearn, Barfield, Hardwick, Clemmons, Edge and Viers: A BILL TO AMEND ACT 287 OF 1989, AS AMENDED, RELATING TO THE MEMBERSHIP OF THE HORRY COUNTY BOARD OF EDUCATION, SO AS TO PROVIDE THAT THE TERM OF OFFICE OF A NEWLY ELECTED MEMBER OF THE HORRY COUNTY BOARD OF EDUCATION MUST COMMENCE UPON THE DATE OF THE FIRST MEETING OF THE BOARD IN JANUARY FOLLOWING THE NOVEMBER ELECTION.

H. 3575--Ordered to a Third Reading

On motion of Senator ELLIOTT, with unanimous consent, H. 3575 was ordered to receive a third reading on Friday, February 27, 2009.

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**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

S. 9 -- Senators McConnell, Leventis, Rose, Elliott, Massey, Peeler, Bright and Setzler: A BILL TO AMEND CHAPTER 52, TITLE 48, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ENERGY EFFICIENCY, BY ADDING ARTICLE 12, SO AS TO ESTABLISH ENERGY EFFICIENCY AND RENEWABLE ENERGY GOALS FOR STATE GOVERNMENT, TO DIRECT STATE AGENCIES TO PROCURE ENERGY EFFICIENT PRODUCTS, AND TO DIRECT EVERY STATE AGENCY HEAD TO REQUIRE THE REPLACEMENT OF ALL INCANDESCENT LIGHT BULBS WITH COMPACT FLUORESCENT LIGHT BULBS IN EACH STATE AGENCY BY JULY 1, 2011.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the amendment proposed by the Committee on Agriculture and Natural Resources.

The Committee on Agriculture and Natural Resources proposed the following amendment (9R002.DBV), which was adopted:

Amend the bill as and if amended, by adding:

/ Section 48-52-940. Pursuant to the procedures provided in Section 48-52-670, each state agency must be evaluated and receive recommendations concerning the agency's energy, water, or wastewater conservation measures in the manner provided in Section 48-52-670. /

Renumber sections to conform.

Amend title to conform.

Senator VERDIN explained the committee amendment.

The committee amendment was adopted.

The question then was the second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 39; Nays 0

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AYES

Alexander	Anderson	Bright
Bryant	Coleman	Courson
Cromer	Davis	Elliott
Fair	Ford	Grooms
Hayes	Hutto	Jackson
Knotts	Leatherman	Leventis
Lourie	Malloy	<i>Martin, L.</i>
<i>Martin, S.</i>	Massey	McConnell
McGill	Mulvaney	Nicholson
O'Dell	Peeler	Rankin
Reese	Ryberg	Scott
Setzler	Sheheen	Shoopman
Thomas	Verdin	Williams

Total--39

NAYS

Total--0

The Bill was read the second time, passed and ordered to a third reading.

CARRIED OVER

S. 461 -- Medical Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF CONSUMER AFFAIRS, RELATING TO LICENSING STANDARDS FOR CONTINUING CARE RETIREMENT COMMUNITIES, DESIGNATED AS REGULATION DOCUMENT NUMBER 3204, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

On motion of Senator MASSEY, the Joint Resolution was carried over.

OBJECTION

S. 232 -- Senators Ryberg, Hutto and Massey: A BILL TO AMEND SECTION 48-52-210 OF THE 1976 CODE, RELATING TO THE PLAN FOR THE STATE ENERGY POLICY, TO ENCOURAGE THE USE OF CLEAN ENERGY SOURCES; AND TO AMEND ARTICLE 2, CHAPTER 52, TITLE 48, BY ADDING SECTION

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48-52-220 TO PROVIDE A DEFINITION FOR “RENEWABLE ENERGY RESOURCES”.

Senator HUTTO objected to further consideration of the Bill.

THE CALL OF THE UNCONTESTED CALENDAR HAVING BEEN COMPLETED, THE SENATE PROCEEDED TO THE MOTION PERIOD.

MOTION ADOPTED

On motion of Senator L. MARTIN, the Senate agreed to dispense with the Motion Period.

READ THE THIRD TIME, SENT TO THE HOUSE

S. 12 -- Senators Leatherman, Alexander, O’Dell, Cleary, Leventis, Elliott, Lourie, Malloy and Setzler: A BILL TO ESTABLISH THE SOUTH CAROLINA TAXATION REALIGNMENT COMMISSION, TO PROVIDE FOR THE COMMISSION’S MEMBERSHIP, POWERS, DUTIES, AND RESPONSIBILITIES, TO PROVIDE THAT THE COMMISSION MUST CONDUCT A COMPREHENSIVE STUDY OF THE STATE’S TAX SYSTEM AND SUBMIT A REPORT OF ITS RECOMMENDED CHANGES TO FURTHER THE GOAL OF MAINTAINING AND ENHANCING THE STATE AS AN OPTIMUM COMPETITOR IN THE EFFORT TO ATTRACT BUSINESSES AND INDIVIDUALS TO LOCATE, LIVE, WORK, AND INVEST IN THE STATE, AND TO PROVIDE FOR PROCEDURES GOVERNING THE CONSIDERATION OF LEGISLATION RESULTING FROM THE COMMISSION’S RECOMMENDATIONS.

The Senate proceeded to a consideration of the Bill, the question being the third reading of the Bill.

The Bill was read the third time, passed and ordered sent to the House of Representatives.

Statement by Senator BRYANT

I voted “no” on the final vote because it failed to restrict the Tax Realignment Commission’s report from raising taxes on the citizens of South Carolina.

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Recorded Vote

Senator RYBERG desired to be recorded as voting against the third reading of the Bill.

RECESS

At 11:29 A.M., on motion of Senator L. MARTIN, the Senate recessed from business not to exceed two minutes.

At 11:31 A.M., the Senate resumed.

Senator L. MARTIN asked unanimous consent to make a motion to take up S. 146 for immediate consideration.

There was no objection.

CARRIED OVER

S. 146 -- Senators Campsen, Rose and Ford: A BILL TO AMEND THE 1976 CODE BY ADDING SECTION 20-3-240 TO ENACT THE "FAMILY COURT FINANCIAL PRIVACY ACT" TO PROVIDE THAT A FINANCIAL DECLARATION MADE A PART OF THE RECORD IN A MATTER BEFORE THE FAMILY COURT MUST BE SEALED, TO PROVIDE ACCESS TO A FINANCIAL DECLARATION UPON REQUEST ONLY BY THE PARTIES, THE COURT AND PERSONNEL OF THE COURT, AND THE CHILD SUPPORT ENFORCEMENT DIVISION OF THE DEPARTMENT OF SOCIAL SERVICES, AND TO PROHIBIT OTHER ACCESS EXCEPT UPON ORDER OF THE COURT FOR GOOD CAUSE SHOWN; AND TO AMEND SECTION 30-4-40, RELATING TO EXEMPTIONS FROM THE FREEDOM OF INFORMATION ACT, TO EXEMPT FINANCIAL DECLARATIONS IN MATTERS BEFORE THE FAMILY COURT EXCEPT ON ORDER OF THE COURT FOR GOOD CAUSE SHOWN.

The Senate proceeded to a consideration of the Bill, the question being the second reading of the Bill.

Senator L. MARTIN explained the Bill.

On motion of Senators LEVENTIS and L. MARTIN, the Bill was carried over.

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LOCAL APPOINTMENTS

Confirmations

Having received a favorable report from the Senate, the following appointments were confirmed in open session:

Reappointment, Clarendon County Magistrate, with the term to commence April 30, 2006, and to expire April 30, 2010

John B. Bassard, P. O. Box 1324, Manning, SC 29102

Reappointment, Clarendon County Magistrate, with the term to commence April 30, 2006, and to expire April 30, 2010

Robert James Aycock, III, 301 North Meadow Dr., Manning, SC 29102

Reappointment, Clarendon County Magistrate, with the term to commence April 30, 2006, and to expire April 30, 2010

Percy B. Harvin, Jr., P. O. Box 386, Summerton, SC 29148

Reappointment, Clarendon County Magistrate, with the term to commence April 30, 2006, and to expire April 30, 2010

Central District:

William T. Geddings, Sr., 2182 Greeleyville Highway, Manning, SC 29102

Reappointment, Clarendon County Magistrate, with the term to commence April 30, 2006, and to expire April 30, 2010

Phillip Shayne Stephens, Stephens Funeral Home and Crematory, 1401 Country Club Circle, Manning, SC 29102

MOTION ADOPTED

On motion of Senator McCONNELL, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Milton Adams of Charleston, S.C.

and

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MOTION ADOPTED

On motion of Senators GROOMS and HUTTO, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. James Lawrence Hawkins, Sr. of Orangeburg, S.C., beloved husband of Anne Magill Hawkins, devoted father and step-father and doting grandfather. Mr. Hawkins passed away February 19, 2009, after a brief illness. He served in the U. S. Army Air Corp during WWII and was a retired Chemical Analyst with the Giant Cement Company.

ADJOURNMENT

At 11:46 A.M., on motion of Senator McCONNELL, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

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